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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,583	09/27/2004	Michael BURR	2006579-0231 (CTX-093)	5582
69665 7590 06/09/2009 CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC. TWO INTERNATIONAL PLACE BOSTON, MA 02110				
EXAMINER HARRELL, ROBERT B				
ART UNIT		PAPER NUMBER		
2442				
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06/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,583

Applicant(s)

BURR ET AL.

Examiner

Robert B. Harrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17,19,20,22,31,32,34-47,49,50 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17,19,20,22,31,32,34-47,49,50 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Claims 1, 2, 4-17, 19, 20, 22, 31, 32, 34-47, 49, 50, and 52 are presented for examination.
2. The Substitute Specification, filed 13 April 2009, has not been entered, and thus object too, as there is no statement that the Substitute Specification contains No New Matter. Examiner notes that the applicant's 13 April 2009, page 8 (top) remarks stated that "No new matter has been introduced"; however, this is treated with respect to amendments to the claims.
3. Since the Substitute Specification has not been entered, there is no change to the title; hence, the title of the invention is still not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The proposed Substitute Specification title would be acceptable if re-worded as follows: "System And Method For Assigning Unique Network Identifiers To Each Program Executing On Computers".
4. The applicant should always use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols [®], where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., *provide proper antecedent basis for "the" and "said" within each claim*) with each claim ending in a period. Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1, 2, 4-17, 19, 20, 22, 31, 32, 34-47, 49, 50, and 52 are rejected under 35 U.S.C. 101 because the claimed invention, in light of the specification, encompasses non-statutory subject matter since such reads on (encompass) software or program per se' (In re Beauregard (CAFC) 35 USPQ2d 1383) and MPEP 2106 (New EXAMINATION GUIDELINES FOR COMPUTER-RELATED INVENTIONS). Per the system claims, such encompass only software or program per se' equivalents; unlike "A hardware system"; the applicant is reminded that an Operating System is software and/or program per se' and "computers" can be virtual hosts unlike "a hardware computer". As to the method claims, even though drafted as "A method", each of the recited elements encompass their software or program per se' equivalent, also, the method claims encompasses a carrier wave embodied with the method, thus, the whole of the method encompasses pure software, program per se', and/or a carrier wave embodied with the method; unlike "A method stored on a computer hardware readable storage medium" or "A method executing" {not "executed" that is past tense} "on a hardware computer". Also, while a hardware device claim, with functional acts, may inherently encompass a corresponding method,

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the same does not hold in the reverse since a corresponding method is broader in scope and can encompass a scope void of any hardware. Also, per the method claims, such should stand rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent(s) and recent Federal Circuit decisions indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim recites a series of steps or acts to be performed, the claim neither transforms underlying subject matter nor is positively tied to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process.

7. The following is a quotation of the second paragraph of 35 U.S.C 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 2, 4-17, 19, 20, 22, 31, 32, 34-47, 49, 50, and 52 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention since it cannot be clearly ascertained if the claims encompass only hardware, or software, or a combination since there is no clear recital of actual hardware other than the ancillary hardware normal for I/O functioning of the software or program per se'.

9. The applicant's remarks related to the rejection under 35 U.S.C. 102(e), in the prior Office Action mailed 13 November 2008), is noted but deemed moot in view of the following new grounds of rejection under 35 U.S.C. 102(e).

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

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11. Claims 1, 2, 4-17, 19, 20, 22, 31, 32, 34-47, 49, 50, and 52 are rejected under 35 U.S.C. 102 (e) as being anticipated Orme by (United States Patent Application Number: 2005/0097179 A1).

12. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited and relied upon in this action as part of the substantial evidence of record*. Also, no temporal order was claimed for the acts and/or functions.

13. Per claim 1, Orme taught a system (e.g., see Abstract) for assigning a unique network identifier to each program invoked on a computer (e.g., see paragraph [00920] and paragraph [00921]), the system comprising:

a) a computer obtaining a plurality of network identifiers allocated to a user (e.g., see paragraph [00920] and paragraph [00921] such as IP addresses in the set of 127.0.0.1), the computer comprising:

ai) an interface mechanism selecting, from the plurality of network identifiers of the user, a first network identifier (i.e., 127.0.1.0) of the user for a first program invoked by the user on the computer (e.g., see paragraph [00920] and paragraph [00921]) and selecting a second network identifier (i.e., 127.0.2.0) of the user, different from the first network identifier (127.0.1.0 < > 127.0.2.0), for a second program invoked by the user on the computer (e.g., see paragraph [00920] and paragraph [00921]), and assigning associating the first network identifier (127.0.1.0) the first program and assigning associating the second network identifier the second program (127.0.2.0) (e.g., see paragraph [00920] and paragraph [00921]); and,

aii) a network communication interface, in communication with the interface mechanism, transmitting the first network identifier with a network communication of the first program and transmitting the second network identifier with a network communication of the second program (e.g., see paragraph [00920] and paragraph [00922]).

14. Per claim 2, since the claim recites "one of either", examiner needs only address one; hence, Orme taught a loopback address 127.0.0.1 per paragraph [00920] and paragraph [00922].

15. Per claim 4, a program can be anything in Orme such as the session of paragraph [0656].

16. Per claim 5, since the claim recites "one of either", examiner needs only address one; hence, any program is also an application such as a chat session.

17. Per claim 6, claim 7, claim 8, and claim 9, since Orme taught a Dynamic Host Configuration Protocol in paragraph [0737] and paragraph [0918], the computer obtained the network identifier from the server per paragraph [0917] and paragraph [0918] which generated the identifier, or locally from a storage (i.e., statically assigned).

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18. Per claim 10 and claim 11, see paragraph [0919] to paragraph [0926].

19. Per claim 12 and claim 13, as indicated above, the computer could host chat sessions (in the plural) per paragraph [0656].

20. Per claim 14 and claim 15, such is domain name resolution normal to DNS as covered, in part, in paragraph [0732] as allocated to a user of the computer.

21. Per claim 16, claim 17, claim 19, and claim 20, see paragraph [0922] for TCP stack and paragraph [0085] and paragraph [1135] for socket library and binding.

22. Per claim 22, in light of the applicant's originally filed specification on page 51 (paragraph [0082] in which the interface mechanism is intercepting and modifying network traffic sent to and from the program, Orme also taught the use of TCP/IP stacks and sockets for binding along with the use of the Secure Socket Layer per paragraph [1135] for intercepting and modifying network traffic sent (i.e., encrypting) to and from the programs.

23. Per claims 31, 32, 34-47, 49, 50, and 52, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above.

24. **A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).**

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Thursday from 5:30 am to 2:00 pm.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (571) 273-8300.

27. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert B. Harrell/
ROBERT B. HARRELL
PRIMARY EXAMINER
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